IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

OP.No. 32302 of 1999(U)

PETITIONER:

NABEESA YOUSUF,
BLOCK NO. 273,
NEDUMKANDAM,
IDUKKI DISTRICT.

BY ADV. SRI.ESM.KABEER
SMT.K.M.AMINABEEVI

RESPONDENTS:
----

1. **THE STATE OF KERALA,**
REP. BY CHIEF SECRETARY TO GOVT.,
GOVT. SECRETARIAT, TRIVANDRUM.

2. **THE DISTRICT COLLECTOR,**
IDUKKI.

3. **THE CARDAMOM SETTLEMENT OFFICER,**
DEVICOLAM.

4. **THE TAHSILDAR,**
UDUMPUNCHOLA TALUK,
UDUMPUNCHOLA TALUK.

BY GOVERNMENT PLEADER SRT. SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 54828/1999 IN OP NO. 32032/1999 U.

DISMISSED

02/07/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS,

EXT.P1. COPY OF THE PROCEEDINGS NO. LWA/3536/60 T. 8/12/61 BY THE R3.

EXT.P2. COPY OF THE ORDER NO. A3. 693/84(K.DIS) DEVICOLAM, DTD. 31/10/84 BY THE R3.

EXT.P3. COPY OF THE TAX RECEIPT NO. 51 DT. 17/4/89 BY THE VILLAGE OFFICER, NEDUMKANDAM.

EXT.P4. COPY OF THE CERTIFICATE ISSUED BY THE EXE. OFFICER, NEDUMKANDAM PANCHAYATH DT. 21/2/83.

EXT.P5. COPY OF THE ORDER NO. B. 3536/61 DT. 24/07/67 BY THE R3.

True copy

tga

Thottathil B. Radhakrishnan, J.

==========

O.P.No.32302 of 1999

==========

Dated this the 2nd day of July, 2007.

JUDGMENT

Read the interim order on C.M.P.No.54828 of 1999.

2. This writ petition is filed on the strength of Ext.P2, wherein Cardamom Settlement Officer, Devicolam has stated that there is no objection in assigning the land of the petitioner, provided, he is otherwise eligible for getting the land assigned under the Land Assignment Rules. Petitioner referred to in Ext.P2 is Sri.E.A.Yusuf. The petitioner in this writ petition states that she is the wife of the said Yusuf, who died on 24-1-1989. No counter affidavit is filed to this writ petition seeking that the property in relation to which Exts.P1 to P5 are issued shall not be assigned to any person, other than the petitioner and her children.

In the light of the materials on record, this writ petition is allowed granting reliefs 1 and 2 and it is

further directed that the claim of the petitioner for assignment of the land on the basis of Ext.P2 shall be taken up and considered, if not already granted. No costs.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

==========

O.P.No.32302 of 1999

==========

JUDGMENT

Dated:2-7-2007